FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.201 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. Vivek Kantharia i/by V.M.Sharma for the Petitioner.

Mr. Nitin Gangal for the Respondent.

Ms. M.M.Mhatre, A.P.P. for the State.

CORAM : R.S. MOHITE,J.
DATED : 31/1/2006.

P.C.

1. This is a petition seeking quashing of the impugned order dated 19.1.2006 by which Magistrate has condoned the delay in filing the complaint under Section 138 of the Negotiable Instruments Act. I have perused the impugned order. Same is based on cogent reasons. It seems that the accused company had given several cheques in the year 2003 and the same bounced. Some of the substituted cheques were also bounced. The complainant has stated in the complaint

that the complaint had not been filed within time as the accused had approached the complainant to settle the matter out of court. It seems from the correspondence that the accused persons had in fact substituted the cheques earlier on one occasion and even those cheques had also bounced. In the circumstances, I am not inclined to interfere in the discretion exercised by the lower court in my writ jurisdiction. Hence, petition rejected.

(R. S. MOHITE, J.)